



CITY OF HAYWARD AGENDA REPORT

Meeting Date 07/26/01

Agenda Item 2

TO: Planning Commission

FROM: Richard E. Patenaude, Acting Principal Planner

SUBJECTS: Planning Director Referral of SPR 01-130-13 - Dr. Dharam Salwan, Salwan Property Management (Applicant) / Don Carr (Owner): Site Plan Review Application for the Construction of a 9,700-Square-Foot Two-Story Retail/Office/Service Commercial Building

The Project Is Located at 22605 Second Street at the Southwest Corner of "B" Street on a 9,755-Square-Foot Parcel

RECOMMENDATION:

Staff recommends that the Planning Commission approve SPR 01-130-13 for construction of a 9,700-square-foot commercial building subject to the attached findings and conditions of approval.

BACKGROUND:

Setting

The vacant site is located in the CC-C "Central City - Commercial" Subdistrict; the General Plan land use designation is ROC "Retail & Office Commercial." The purpose of these districts "is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area."

The adjacent property to the west contains the First United Methodist Church; the church building lies at the property line with several window and door openings. The property to the south contains a single-family residence. This project has been referred to the Planning Commission because of concerns of the Church regarding light and air, and parking.

Project Description

The project uses a contemporary architectural style. This massing and detailing integrate well with the architecture of the church and the commercial center to the north across "B" Street. The building is designed such that storefronts face both streets. A landmark tower accentuates the street corner. Upper-level awnings and pop-outs give the appearance of a cornice band to cap off the walls. A canopy over the sidewalk gives storefront entrances shelter from

inclement weather. The proposed design is consistent with the City's Design Guidelines encouraging the establishment of "landmark" buildings at major intersections with strong edges along the street.

On Tuesday, June 26, 2001, staff met with a committee of the First United Methodist Church. Concerns expressed by the committee included the loss of light and air circulation along the property line. Several door and window openings of the church are at the property line and will be only five feet from the rear wall of the proposed building. While the applicant may build at the property line, as there is no required setback per the Zoning Ordinance, he has chosen to pull the building back five feet to accommodate window openings on his west-facing façade per the Building Code. This proximity of buildings is typical in an urban environment, especially downtowns. The 5-foot "alley" between the buildings will allow for continued use of the church's windows and doors.

Parking

The project, as proposed, requires 31 parking spaces. A small parking lot is provided at the southerly end of the building with access to Second Street. Eight spaces are shown in that lot, but it is likely only six spaces can be provided once the required landscape setbacks and other ordinance standards are applied. The remainder of the required parking spaces will have to be provided by either the payment of in-lieu fees (\$11,690 per space) or the development of parking facilities within 500 feet of this project, requiring an Administrative Use Permit.

Discussion has taken place regarding a link between this property and Municipal Parking Lot #4 to provide additional parking for the businesses along "B" Street, the Church, and this project. This would entail providing a driveway and parking spaces through the rear of the Church property and a property owned by Bkpv Associates. Dan Alex, of Bkpv, has earlier expressed an interest in linking his property with the adjacent Lot #4. However, the Church feels that the loss of their rear yard would result in serious impairment of their ministry programs and children's playground, and would pose a security problem with a new access into the rear of their property.

The church has also maintained an informal agreement with the property owner allowing parking for church activities; the church has no on-site parking of its own. Municipal Parking Lot #4 is located approximately 275 feet to the west. The Church expressed an interest in acquiring the subject parcel for development as a parking lot. However, a parking lot at this location would not be consistent with the City's Design Guidelines.

ENVIRONMENTAL REVIEW:

This project is categorically exempt from CEQA (Class 32), pursuant to Section 15332 of the Guidelines (*In-Fill Development Projects*). An EIR was completed and accepted in 1986 for the entire Redevelopment Area. The project is consistent with the Redevelopment Plan. An EIR was also completed and accepted for the Downtown Hayward Redevelopment Plan Amendment

in 1998. This project introduces no changes in circumstances that indicate the need for further environmental review.

PUBLIC NOTICE:

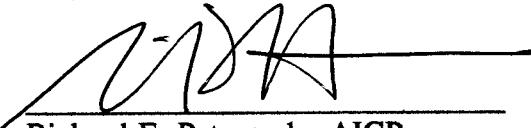
Referral Notices were mailed, upon receipt of the applications, to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Hayward Area Planning Association and the Upper "B" Street Neighborhood Task Force. The Referral Notice provided an opportunity for persons to comment on the project.

On July 13, 2001, a Notice of Public Hearing for the Planning Commission meeting was mailed.

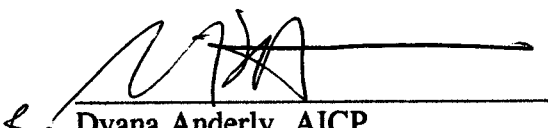
CONCLUSION:

The proposed project is consistent with the City's Design Guidelines and the intent of the Central City - Commercial Subdistrict. Therefore, staff recommends that the Planning Commission approve the project.

Prepared by:

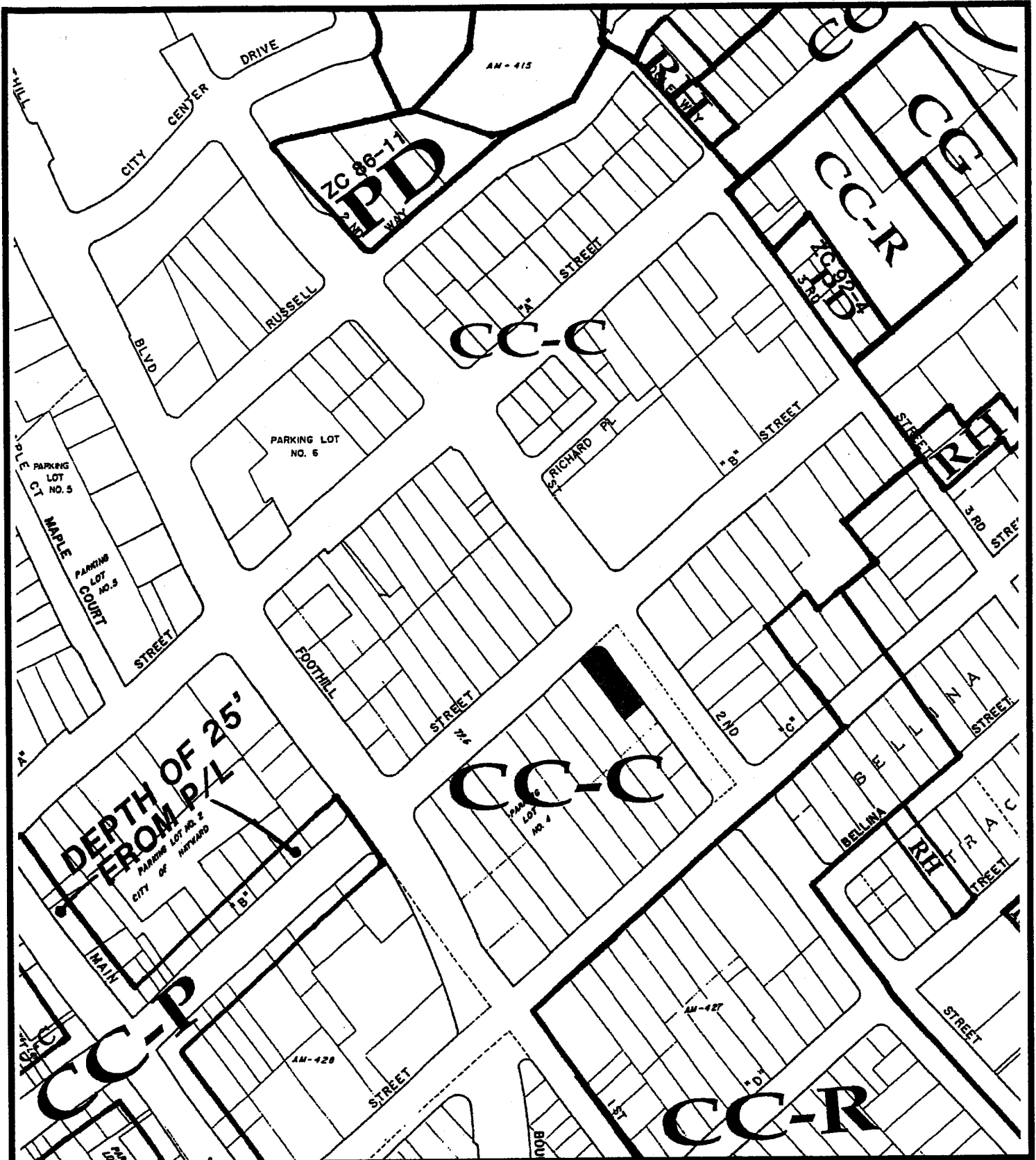

Richard E. Patenaude, AICP
Acting Principal Planner

Recommended by:


for Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings
- C. Conditions
Plans



Area & Zoning Map

SPR 01-130-13

Address: 22605 2nd Street

Applicant: Dharam Salwan

Owner: DDon & Lonne Carr

FINDINGS FOR APPROVAL
Site Plan Review Application No. 01-130-13
SW Corner of Second Street/B Street

July 26, 2001

- A. The project is categorically exempt (Class 32) from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the Guidelines (*In-Fill Development Projects*). The project is consistent with the "ROC" *Retail & Office Commercial* General Plan land use designation and all applicable General Plan policies as well as with the "CC-C" *Central City - Commercial Subdistrict* designation and regulations. The proposed development occurs on a site of less than 5 acres and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The site can be adequately served by all required utilities and public services.
- B. The development is compatible with surrounding structures and uses in that the proposed 2-story commercial building, as conditioned, will not impair the character and integrity of the Central City - Commercial (CC-C) Subdistrict or surrounding area, because the design and materials of the office building will be complimentary and compatible with the architectural character of the surrounding downtown buildings.
- C. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that the proposed use of the commercial building, as conditioned, is permitted as a primary use in the CC-C Subdistrict and there are other similarly-scaled commercial buildings in the vicinity.
- D. The development complies with the intent of City development policies and regulations in that the proposed commercial building, as conditioned, will not be detrimental to the public health, safety or general welfare, because the structure and uses, as conditioned, are consistent with the General Policies Plan (including the Map designation of *Retail & Office Commercial*) and applicable City regulations adopted under the City of Hayward Zoning Ordinance. The setback of the proposed building from the westerly property line will continue to provide for sufficient light and air circulation for the adjacent church building.

CONDITIONS OF APPROVAL
Site Plan Review Application No. 01-130-13
SW Corner of Second Street/B Street

July 26, 2001

GENERAL

1. Site Plan Review Application No. 01-130-13 is approved subject to the specific conditions listed below. This permit becomes void on July 26, 2002, unless prior to that time a building permit application has been accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. The applicant shall maintain in good repair all fencing, parking and street surfaces, landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
4. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
5. No vending machines or other goods or products shall be displayed or sold outside the building, excluding newspaper racks.
6. Public telephones shall not be installed outside the building without previous approval by the Planning Director. If located outside, they shall be within 20 feet of a public entrance to the building and limited to out-going calls only.

ATTACHMENT C

7. No outside storage of materials, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure as permitted by the fire code.
8. Violation of these conditions of approval is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.

PRIOR TO ISSUANCE OF BUILDING PERMITS

Construction Waste Management Plan

9. The applicant is required to submit for review by Solid Waste Program staff an on-site recycling plan. The plan must be implemented during the entire demolition and construction phases, as well as upon occupancy of the site. The plan must 1) show the anticipated start and completion dates of the project; 2) estimate the quantities of construction and demolition waste that will be generated by the project in cubic yards or tons; and 3) estimate the quantities of material that will be recycled, salvaged and disposed of, and identify the vendor(s) or facilities that will be used.
10. The applicant must submit for review by the Solid Waste Program staff a Construction & Demolition Debris Recycling Statement.

Parking/Driveways

11. Adequate on-site parking shall be provided for tenants, customers, guests and others, as required by the City of Hayward Off-Street Parking Regulations. The project, as approved, shall be required to maintain a base level of parking at 31 spaces. These spaces may be provided on-site, by the payment of in-lieu fees (\$11,690 per space), or at an off-site facility within 500 feet of the building (subject to approval of an Administrative Use Permit), or by any combination of these methods.
12. All parking stalls and maneuvering areas shall meet the minimum standards of the City of Hayward Off-Street Parking Regulations. The parking stalls shall be striped and any compact stalls shall be clearly marked for compact vehicles only. Where possible the landscape areas shall be increased to take advantage of allowable vehicle overhangs.
13. Driveways, which serve the proposed use, shall be constructed to City Standard SD-110.
14. All raised concrete curbs, which lie between a landscape planter and the side of a parking stall, shall be widened to 18 inches to accommodate vehicle access and to protect plant materials.

15. The pavement at the primary driveway entry, to a minimum depth of 10 feet behind the property line, shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location (which shall be coordinated with the pedestrian crossing), design and materials shall be approved by the Planning Director.
16. A bicycle rack(s) with a capacity of at least 4 bicycles shall be included within the development. The design and placement shall be approved by the Planning Director.

Landscaping

17. Detailed landscaping and irrigation plans, including details of features such as benches, pavement materials, trellises, etc., shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
 - a. Parking areas shall be buffered from adjacent streets with shrubs, decorative walls or earth berms as determined by the Planning Director. Where shrubs are used, the type and spacing of shrubs shall create a continuous 30-inch-high screen within two years.
 - b. Above-ground utilities shall be screened from the street with shrubs.
 - c. Masonry walls or fences facing a street shall be buffered with shrubs and vines.
 - d. Where any landscaped area adjoins driveways and/or parking areas, Class "B" Portland cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
 - e. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas.
18. On-site sidewalks and flat concrete surfaces shall exhibit a decorative finish, such as inset brick, stamped concrete or exposed aggregate with tile bands. The material shall be approved by the Planning Director.

Design

19. The final colors and materials used on the exterior of the building shall be submitted for approval by the Planning Director.
20. The yard, between the subject building and the adjacent church building to the west, shall be fenced and gated on both ends to prevent access. The fence/gates shall be of decorative metal that will allow visual access into the yard.

Trash Enclosures

21. The Applicant must clearly indicate on the site plan the proposed location(s), number and type of refuse and recycling containers and dimensions of each enclosure for trash and recyclables on the site plan. The space provided for the storage of recyclables must be the same size or larger as that provided for trash. The trash enclosure shall be constructed of a decorative 6-foot-high masonry wall, which incorporates the

architectural style, color and materials of the primary structure(s), with a solid and lockable, decorative metal access gate. The final design shall be approved by the Planning Director prior to the issuance of a building permit. Plans must indicate the following:

- a. A 6-inch wide curb or parking bumper must be provided along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A minimum space of 12 inches must be maintained between the dumpster and the walls of the enclosure and the recycling container to allow for maneuvering the dumpster.
- b. A 6-inch wide parking bumper, at least 3 feet long, must also be placed between the dumpster and the recycling bins, in order to secure the refuse dumpster in its designated area.
- c. The enclosure gates and hinges must be flush with the enclosure wall. The gates must open straight out, and the hinges and the gate must be flush with the enclosure wall, in order to allow adequate maneuverability of the dumpster in and out of the enclosure to service it.
- d. The enclosure must be constructed on a flat area with no more than a 2% grade, in order to ensure that the garbage driver can adequately retrieve and return the dumpster(s) from the enclosure.
- e. A concrete pad located just outside each trash enclosure shall be installed in order to accommodate the weight of the truck while servicing the dumpster, since asphalt can fail over time at these locations.

Signs

22. Prior to issuance of a building permit, a sign program shall be submitted to the Planning Director for approval. The signs shall be appropriate to the architectural style of the buildings.
23. The sign program shall be governed by the following:
 - a. The City of Hayward Sign Ordinance shall override any conflicting sign criteria provided by the applicant.
 - b. Signs shall be composed of alpha-numeric characters and corporate logos only; there shall be no boxed can signs.
 - c. No pole or freestanding sign shall be allowed for any use on the property.

Water Pollution Source Control

24. If there are to be any roof-mounted HVAC units, no polluted waters from these units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
25. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative.
26. The sanitary sewer discharge shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram/liter oil and grease limit.

27. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.

Lighting

28. Exterior lighting shall be designed by a qualified illumination engineer, and erected and maintained so that adequate lighting is provided in all public access areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties.
29. The developer shall insure that the streets that abut the subject property, or are immediately impacted, are illuminated according to City Standard SD-120. Any additional or modified street lighting shall be designed and installed by the developer in accordance with SD-120 Street Lighting Standards and in cooperation with the City and PG&E. Underground wiring shall be utilized when appropriate. The electroliers shall be in operating condition before occupancy permits are approved.

Mechanical/Utilities

30. No mechanical equipment, or solar collectors, may be placed on the roof unless it is adequately screened from view. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
31. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
32. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
33. All utilities located underneath decorative paving areas shall be located within a sleeved conduit. The design of the sleeve shall be approved by the City Engineer.
34. Water Department requirements shall be as follows:
- a. Keys or access code shall be provided to the Water Department for all meters enclosed by a fence or gate.
 - b. Applicant shall submit calculations to show that the proposed water main is able to provide adequate fire flow.
 - c. Construction plans shall incorporate all water meters and hydrants.
 - d. The applicant shall connect all unit plumbing to the correct meter as marked by the City before water service is provided.
 - e. A final statement of water main extension costs shall be submitted to the Hayward Water Department prior to application for metered water service.
 - f. Operation of valves in the Hayward Water System shall be performed by Water Bureau Personnel only.

- g. Prior to issuance of a building permit, the gallon-per-minute water demand shall be shown on plans and approved by the Water Department. The developer shall install reduced pressure backflow preventer for domestic meter and double-check backflow preventer for irrigation meter per City SD201 & 202.

35. Maintain a six-foot lateral distance between sanitary sewer laterals and city water services. Water mains shall have a ten-foot lateral separation from the sanitary sewer main. Water meters shall be a minimum of two feet clear of top of driveway flares.

Fire Department

36. Exiting shall conform to the 1998 California Building Code, Chapter 10.

37. Building addresses shall be installed on the structure so as to be visible from the street and shall contrast with the building background. The numbers/letters shall have a minimum height of 6" with a 1/2-inch stroke per UFC 10.301a.

Police Department

38. Lighting in the parking areas and exterior walkways shall conform to the Security Ordinance and be controlled by photocells. The lighting plan shall be approved by the Planning Director.

39. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all newly-installed doors, windows and locks.

Building Division

40. All construction shall adhere to State of California Title 24 Handicap Access Requirements.

41. Use of plastic drainage, waste and vent piping is not permitted [Hayward Plumbing Code §503(a)(2)].

42. All wiring shall be placed in an approved raceway per Hayward Electrical Code §110.8 (EMT minimum standard).

43. All construction shall adhere to the City of Hayward Security Ordinance #90-26.

Engineering/Transportation Division

44. Application for a building permit shall include a mylar copy of a building permit survey.

45. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and ensure that measures are implemented. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
46. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify BMPs appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff facilities. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion & Sediment Control Handbook.
47. All work in the public right-of-way requires an encroachment permit.
48. Repair and replace any damaged frontage improvements as determined by the City Engineer.
49. The design, location, maintenance requirements, and maintenance schedule for any stormwater quality treatment structural controls shall be submitted to the City for review and approval prior to the issuance of a building permit.
50. Retaining walls, if required, shall be concrete or masonry block. The design and location shall be approved by the Planning Director.
51. A grading and drainage plan shall be submitted that meets approval of the City Engineer. Drainage shall be designed so that run-off is collected in on-site catch basins and directly delivered to curb drains per City of Hayward SD-118. All catch basins shall be equipped with fossil filters.

PRIOR TO FINAL OCCUPANCY

Landscaping

52. Landscaping shall be installed per the approved building permit plans. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to the issuance of a Certificate of Occupancy.

Engineering/Transportation Division

53. Prior to final inspection, City of Hayward Supplemental Building Construction & Improvement Tax, City of Hayward Construction & Improvement Tax, and Hayward Unified School District Fees shall be paid.

Water Pollution Source Control

54. All on-site storm drain inlets shall be labeled "No Dumping-Drains to Bay".

Construction Waste Management Plan

55. A Debris Recycling Summary Report is required at the conclusion of the project.